

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Jeanine Picraux) Confirmation No: 4649
) Group Art Unit: 2152
Serial No.: 10/029,733)
) Examiner: Chankong, Dohm
Filed: December 18, 2001)
) Atty. Docket No.: 10017782-1
For: SENDING INFORMATION USING AN)
IN-PROGRESS TRANSACTION)

REPLY BRIEF RESPONSIVE TO EXAMINER'S ANSWER

Mail Stop: Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

The Examiner's Answer mailed November 19, 2007 has been carefully considered. In response thereto, please consider the following remarks.

AUTHORIZATION TO DEBIT ACCOUNT

It is not believed that extensions of time or fees for net addition of claims are required, beyond those which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to deposit account no. 08-2025.

REMARKS

The Examiner has provided in the Examiner's Answer various responses to arguments contained in Applicant's Appeal Brief. Although the Examiner's Answer has added some additional remarks in response to Applicant's arguments, the substance of the rejections and the Examiner's positions have not changed. Accordingly, Applicant stands behind the arguments set forth in the Appeal Brief. In addition, Applicant addresses selected responses in the following.

The Examiner contends that *Grivna* in view of *Keller* discloses the subject matter of claim 1. Regarding claim 1, the Examiner's Answer states that *Grivna* "clearly state[s] that a data transaction is stalled ('transmission of the packet characters is suspended') to send a packet including the information ('the command is inserted into the data stream')." Page 9. In response, Applicant notes that *Grivna* states that a command may be inserted into a data stream, transmitted, and followed by the transmission of packet characters. For example, *Grivna* states:

Once the command(s) 22 is/are defined, transmitting the data packet 24 and embedding the command(s) 22 into the data packet 24 is straightforward. **The packet characters 12 of the data packet 24 are preferably transmitted one byte at a time until the command 22 is required.** When a command 22 such as an ACK is required, transmission of the packet characters 12 is suspended on the next character boundary. The command 22 is inserted into the data stream and transmitted without interruption, preferably, by transmitting a single differentiation character 26. The receiver preferably reacts immediately to the receipt of the transmitted command. **After the command 22 is transmitted, transmission of the packet characters 12 is resumed.** By stalling the transmission of packet characters, no data is lost. It is apparent from the above description that the transmitted data packet is modified by the need to immediately transmit a command, such as the status of a received data packet.

Cols. 5-6, lines 57-6 (Emphasis added).

Accordingly, *Grivna* does not disclose that a transaction is stalled, since all of the characters of a packet in *Grivna* are disclosed to be transmitted (and are not stalled). Further, *Grivna* does not disclose that a status of the transaction is saved, since a transmission in *Grivna* is resumed as soon as a command is transmitted (and therefore, the transaction is not stalled). Accordingly, *Grivna* describes stalling of a packet character and not stalling of a transaction, as described in claim 1.

For at least this reason, *Grivna* does not teach or suggest at least "stalling the transaction at any time during the transaction; saving a status of the transaction at the time the transaction is stalled; inserting the information into the identified data stream without regards to a boundary of the transaction; and based on the saved status, resuming the transaction, thereby transmitting the information from the second node via the data stream to the first node; wherein the information is not part of the data transaction when the data transaction starts from the second node to the first node," as recited in claim 1.

Keller discloses systems having communication links that include a variety of configurations. However, Applicant respectfully submits that *Keller* does not remedy the deficiencies in *Grivna*.


Therefore, the cited art fails to disclose the features of claim 1. Using similar reasoning, the cited art does not teach or suggest the subject matter of remaining claims 2-7, 9-18, 20-24. For the reasons presented herein and the reasons earlier presented in the Appeal Brief, the cited references are deficient in disclosing claimed

features, and the arguments set forth in the Appeal Brief still stand. The rejection of the pending claims should be withdrawn.

Conclusion

In summary, it is Applicant's position that Applicant's claims are patentable over the applied cited art references and that the rejection of these claims should be withdrawn. Appellant therefore respectfully requests that the Board of Appeals overturn the Examiner's rejection and allow Applicant's pending claims.

Respectfully submitted,

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